IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 21512 OF 2005

Dated : March 10, 2006

Between:

SK Nizamuddin

Petitioner

AND

The Regional Manager,

APSRTC, Hyderabad City Region,

JBS, Picket, Secunderabad and another

Respondents

THE HONOURBALE SRI JUSTICE N.V. RAMANA

W.P. No. 21512 OF 2005

ORAL ORDER:

Seeking a writ of mandamus declaring the action of the respondents in not paying the gratuity amount to the petitioner for the period from 24.6.1972 to 25.11.1977 i.e. from the date of removal to the date of reinstatement as illegal and arbitrary, the present writ petition is filed.

The petitioner was appointed as Conductor in the respondent Corporation and subsequently promoted as Dy. Superintendent and retired from Service on 30.6.2005. While working as Conductor, the petitioner was removed from service on 24.6.1972 on the charge of misappropriation, which was assailed by the petitioner in ID No. 50 of 1975 and the Labour Court by order dated 23.6.1975, ordered for reinstatement into service without back wages and held him to be entitled to all attendant benefits. Pursuant to this order, the petitioner was reinstated into service on 25.11.1977 and continued till retirement. The grievance of the petitioner is that the respondent – Corporation has not paid him gratuity for the period from 24.6.1972 to 25.11.1977 i.e. from the date of removal to the date of reinstatement.

The learned counsel for the petitioner submits that the issue involved in this writ petition is squarely covered by decision of this court in *M.Rama Rao Vs. Asst. Traffic manager, APSRTC, Hyderabad and another* () wherein this court held that in a case where under Sec. 11 of the Industrial Disputes Act, 1947, the Labour Court has set aside the order of removal of an employee and directed that the employee be reinstated into service with continuity of service, the management could not deny the payment of gratuity to the employee on his retirement for the period during which he was out of employment as a result of the illegal order of removal.

In the light of the judgment of this court referred to above and the submission of the parties that the decision of this court in the said judgment governs the case, the writ petition is allowed in terms of the judgment of this court referred to above. No order as to costs.

N.V.RAMANA, J.

March 10, 2006

MAS.